

### REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1-2, 4, 6-12, 14 and 16-20 are pending in this application. Claims 1, 2, 4-6, 11, 12 and 14-16 are amended, support for which is found in the original claims. Claims 3 and 13 are canceled without prejudice or disclaimer. Accordingly, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 1-6, 8-16 and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 2001/0032088 (Utsumi) in view of U.S. 6,512,722 (Kumagai); and Claims 7 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Utsumi in view of Kumagai and further in view of U.S. 2002/0161571 (Matsushima).

The rejections are respectfully traversed in view of Claim 1, which is clarified by this amendment to recite:

A content data transferring system for transferring content data comprising:

a first recording medium on which a plurality of content data are recorded;

a recording and reproducing apparatus configured to reproduce a recording medium identification information unique to a second recording medium and recorded on the second recording medium, to reproduce an existing reproduction control information recorded on the second recording medium, and to record content data transferred from the first recording medium onto the second recording medium;

a first set creating device configured to create a first set, the first set being used to correlate the recording medium identification information with a second set, **the second set being used to categorize the plurality of content data recorded on the first recording medium in accordance with a predetermined rule so that the recording medium identification information correlates to a category of the plurality of content data recorded on the first recording medium;**

a second set creating device configured to create the second set correlated with the first set;

a reproduction control information creating device configured to create a new reproduction control information about the category of the plurality of

the content data in accordance with the second set and the recording medium identification information; and

a content transfer controlling device configured to transfer content data recorded on the first recording medium to the second recording medium so as to record the content data onto the second recording medium in accordance with the new reproduction control information created in accordance with the recording medium identification information about the second recording medium, such that **when the newly created reproduction control information created in accordance with the recording medium identification information does not match the existing reproduction control information recorded on the second recording medium, a content data that has not been recorded onto the second recording medium is transferred to the second recording medium in accordance with the newly created reproduction control information.**

It is respectfully submitted that neither of Utsumi nor Kumagai teach or suggest a second set creating device configured to create a second set which is “used to categorize the plurality of content data recorded on the first recording medium in accordance with a predetermined rule so that the recording medium identification information correlates to a category of the plurality of content data recorded on the first recording medium,” as recited in Claim 1, such that “when the newly created reproduction control information created in accordance with the recording medium identification information does not match the existing reproduction control information recorded on the second recording medium, a content data that has not been recorded onto the second recording medium is transferred to the second recording medium in accordance with the newly created reproduction control information.”

In particular, Utsumi merely describes transferring encrypted contents and a method of devolving the right to use the encrypted contents. Utsumi fails to teach or suggest a correlation between a recording medium identification information and a category of a plurality of content data recorded on a first recording medium. Further, Utsumi fails to teach or suggest transferring a content data that is not recorded onto the second recording medium when a newly created reproduction control information does not match an existing reproduction control information already recorded on the second recording medium.

Kumagai merely describes transferring table of contents information from a CD in order to receive album details of the CD and display such details to a user. Kumagai fails to remedy the deficiencies of Utsumi noted above.

Although directed at a different statutory class and varying in scope, amended Claim 11 recites features similar to those noted above in amended Claim 1. Therefore, it is respectfully submitted that Claims 1, 11 and any claims dependent therefrom are allowable over the cited references and the rejections should be withdrawn.

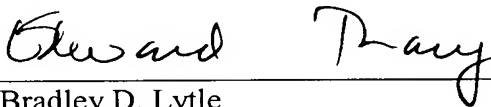
Consequently, in view of the present amendment and in light of the above comments, the pending claims are believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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